

## IMMIGRATION LAW IN THE HOSPITALITY INDUSTRY

### Understanding Immigration Service Processing Times

**B**ecause of the overwhelming response to my January 2003 column, "Understanding Labor Certification Processing Times," this month's column discusses a related topic: understanding Immigration Service processing times.

Failure to understand processing times, including how long a particular process should take and the variables and uncertainties inherent in the immigration process, is a major cause of frustration and anxiety among individuals applying for immigration benefits. As an immigration lawyer, one of my most important responsibilities is educating my clients on this topic. However, until recently, publicly available information on processing times has been sporadic, with no official source providing reliable information.

All this changed when U.S. Citizenship & Immigration Services (USCIS) began publishing processing date information on its website in December 2003. Foreign nationals and employers can now obtain processing time information straight from the horse's mouth. The published processing dates are only estimates, and any given case can always take more or less time than the estimate published on the USCIS Web site, but the current system is a vast improvement over the previous system of ad hoc, unofficial information.

#### *How To Use The Case Status Service Online*

To use the online processing date

reports, you must know where your application or petition was or will be filed, and what type of request you have filed or will file.

As a rule of thumb, most business-based requests are processed at one of the four USCIS Service Centers, located in Vermont, Texas, Nebraska and California, whereas most family-based petitions and individual applications are processed at one of the 33 District Offices nationwide. You can find specific information on USCIS forms, including where each form should be filed, on the "Forms and Fees" page of the USCIS Web site at <http://uscis.gov/graphics/forms-fee/forms/index.htm>.

Once you know the type of request and filing location, go the USCIS homepage at <http://uscis.gov/graphics/index.htm>. On the right-hand side of the page, under "hot topics," follow the link to "processing dates" or "case status online." Both links take you to the same page, the "Case Status Service Online." From here, you can check the status of a specific case pending before USCIS, or you can obtain general information on current USCIS processing times nationwide.

To find the status of a specific case, you must have the 13-character USCIS-issued receipt number. This number is located in the top left-hand corner of the receipt notice issued by USCIS. If you do not have a receipt notice from USCIS, you will not be able to use the online case status service.

To obtain general information on USCIS processing times nation-

wide, select either District Office, Service Center or National Benefits Center under "Obtaining a List of Processing Dates," then select the specific office where your case is or will be filed. Since processing date reports are only issued about once a month, you should check the top of the report to confirm the date it was issued, and then scroll to the bottom of the report, where you will see a chart indicating the processing dates for each type of form. The processing dates are located in the far right hand column, under the heading "now processing cases with receipt notice date of [date]." By subtracting the processing date from the date of the report, you can get an idea of how long a particular case should take.

Be aware that these processing dates are estimates. The timing of any individual case may vary. The processing dates relate to the time it takes USCIS to respond to an initial filing (by approving, denying, or issuing a request for additional evidence). If USCIS issues a Request For Evidence in your case, you will have 12 weeks to supply the requested evidence. After USCIS receives this additional evidence, the clock starts again (although responses to Requests For Evidence are usually processed faster than initial filings because USCIS has already completed its initial review, there is no guarantee that this will happen). If you get a Request For Evidence in your case, the total processing time can be extended by many months.

If, based on the processing



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report, you think your case has taken too long, contact either your immigration attorney or the US CIS National Customer Service Center at the number listed on the processing date report. Remember that in many cases premium (expedited) processing is available by paying an additional \$1,000 fee.

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*bi-monthly electronic newsletter "Recent Developments in Immigration Law" send an e-mail with "subscribe" in the subject line to [newsletter@blylaw.com](mailto:newsletter@blylaw.com).*